

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-924

12 **DENISE MARIE MATTHEWS,**
13 **a.k.a. DENISE MARIE CAZALAS,**
14 **a.k.a. DENISE MARIE MINOR**
13608 Canyon Crest Road
Yucaipa, CA 92399

A C C U S A T I O N

15 Registered Nurse License No. 514566

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 17, 1995, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 514566 to Denise Marie Matthews also known as, Denise Marie
24 Cazalas, and Denise Marie Minor (Respondent). The Registered Nurse License was in full force
25 and effect at all times relevant to the charges brought herein and will expire on October 31, 2014,
26 unless renewed.

27 ///

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 **STATUTORY PROVISIONS**

5 4. Section 490 states, in pertinent part:

6 "(a) In addition to any other action that a board is permitted to take against a licensee, a
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
9 or profession for which the license was issued.

10 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
11 discipline a licensee for conviction of a crime that is independent of the authority granted under
12 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
13 of the business or profession for which the licensee's license was issued.

14 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
15 conviction following a plea of nolo contendere. Any action that a board is permitted to take
16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
17 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
18 made suspending the imposition of sentence, irrespective of a subsequent order under the
19 provisions of Section 1203.4 of the Penal Code."

20 5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee,
21 including a licensee holding a temporary or an inactive license, for any reason provided in Article
22 3 (commencing with section 2750) of the Nursing Practice Act.

23 6. Section 2761 of the Code states:

24 "The board may take disciplinary action against a certified or licensed nurse or deny an
25 application for a certificate or license for any of the following:

26 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

27

1 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
2 functions, and duties of a registered nurse, in which event the record of the conviction shall be
3 conclusive evidence thereof."

4 7. Section 2762 states, in pertinent part:

5 "In addition to other acts constituting unprofessional conduct within the meaning of this
6 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
7 chapter to do any of the following:

8

9 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
10 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
11 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
12 himself or herself, any other person, or the public or to the extent that such use impairs his or her
13 ability to conduct with safety to the public the practice authorized by his or her license.

14 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
15 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
16 or the possession of, or falsification of a record pertaining to, the substances described in
17 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
18 thereof."

19 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not
20 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
21 to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
22 Board may renew an expired license at any time within eight years after the expiration.

23 REGULATORY PROVISIONS

24 9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

25 "A conviction or act shall be considered to be substantially related to the qualifications,
26 functions or duties of a registered nurse if to a substantial degree it evidences the present or
27 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
28 safety, or welfare."

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5

6

7

8
9
0
1

2
3
4
5
6
7
8
9
0
1

22
23
24
25
26
27

1 0.15%. As a result of the conviction, the Court sentenced Respondent to serve 30 days in San
2 Bernardino County Jail and placed her on 36 months probation, with terms and conditions.

3 c. On or about October 27, 2003, Respondent was convicted of one misdemeanor count
4 of violating Penal Code section 490.5 [petty theft] in a criminal proceeding entitled *The People of*
5 *the State of California v. Denise Marie Matthews* (Super. Ct. Riverside County, Case No.
6 RIM442622). The circumstances underlying the conviction are that on or about September 17,
7 2003, Respondent entered a Costco in Moreno Valley, CA, selected several items which she
8 concealed in her purse, and exited the store without paying for the merchandise. As a result of the
9 conviction, the Court placed Respondent on 24 months probation subject to terms and conditions.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Alcohol)**

12 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), as
13 defined in section 2762, subdivision (b), in that Respondent used alcoholic beverages to an extent
14 or in a manner dangerous or injurious to herself, and the public. Complainant refers to, and by
15 this reference incorporates, the allegations set forth above in paragraph 11, subparagraphs (a) and
16 (b), inclusive, as though set forth fully.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Conviction Involving the Consumption of Alcohol)**

19 13. Respondent is subject to disciplinary action under section 2761, subdivision (a), as
20 defined in section 2762, subdivision (c), in that Respondent was convicted of crimes involving
21 the consumption of alcohol. Complainant refers to, and by this reference incorporates, the
22 allegations set forth above in paragraph 11, subparagraphs (a) and (b), as though set forth fully.

23 **PRAYER**

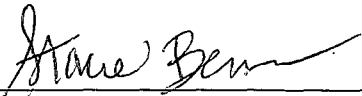
24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board issue a decision:

26 1. Revoking or suspending Registered Nurse License No. 514566, issued to Denise
27 Marie Matthews also known as, Denise Marie Cazalas, and Denise Marie Minor;
28

1 2. Ordering Denise Marie Matthews also known as, Denise Marie Cazalas, and Denise
2 Marie Minor to pay the Board the reasonable costs of the investigation and enforcement of this
3 case, pursuant to section 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.

5
6 DATED: APRIL 18, 2013


for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

17
18 LA2012507508
19 51168203.doc
20
21
22
23
24
25
26
27
28